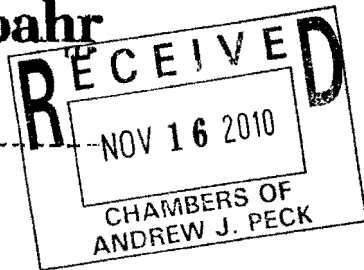


**Ballard Spahr**

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Dean C. Waldt  
Direct: 856.761.3450  
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waldtd@ballardspahr.com

**MEMO ENDORSED**

November 16, 2010

**By Hand Delivery & Facsimile 212-805-7933**

The Honorable Andrew J. Peck, U.S. M. J.  
Southern District of New York  
United States Courthouse  
500 Pearl St. - Room 1370  
New York, NY 10007-1312

Re: The Bank of New York Mellon Trust Company v DEPFA Bank PLC and Lloyds  
TSB Bank PLC., et als.  
Case No. 10-cv-4424 (DLC) (AJP)

Dear Judge Peck:

This firm represents Access to Loans for Learning Student Loan Corporation ("ALL") in the above referenced matter.

I write to request Your Honor's permission to have my client available via telephone for the Settlement Conference scheduled before Your Honor on Tuesday November 23, 2010 at 10:00 a.m. The representatives of ALL are located in Los Angeles, California. As Your Honor will note from the pleadings and submissions in this case, ALL is the issuer of bonds as to which the priority of redemption payments are a matter of dispute between Depfa and Lloyds. As such, ALL is not a direct financial stakeholder in this interpleader action.

It would be difficult for my clients to fly from Los Angeles to New York City for the November 22<sup>nd</sup> conference and then fly back to California from New York City on Wednesday, November 23<sup>rd</sup>, the day before Thanksgiving and the acknowledged busiest air travel day of the year. Given my client's limited role in this interpleader action, it is likely that it will not be a substantive contributor to settlement discussions. However, representatives of ALL, with authority to address any settlement proposals made and/or agreed to by the stakeholders, would be available immediately by telephone.

I have consulted with all counsel, who are copied on this letter, and they have indicated there is no objection to out of town clients participating by telephone under these circumstances.

**BY ECF**

DMEAST #13089444 v1

A PA Limited Liability Partnership : Steven W. Suzias, Managing Partner

Atlanta | Baltimore | Bethesda | Denver | Las Vegas | Los Angeles | New Jersey | Philadelphia | Phoenix | Salt Lake City | San Diego |  
Washington, DC | Wilmington

*Request DENIED. There are claims that your client is insolvent. It is impossible to do a settlement conference pursuant. If 11/23 day not work then we will ask you to appear in person.*

*substantive debt that exists for all parties. Others, your client wants to proceed in person 11/23.*

Hon. Andrew J. Peck  
United States Magistrate Judge

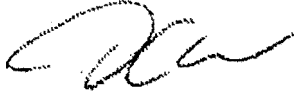
SO ORDERED:

*AM ECF'd, 11/17/10  
Jep*

The Honorable Andrew J. Peck  
November 16, 2010  
Page 2

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. Waldt', with a stylized, flowing script.

Dean C. Waldt

DCW/pmd

cc: Jeffrey C. Fourmaux, Esquire (counsel to Depfa)  
David L. Barres, Esquire (counsel to Lloyds)  
Judith A. Archer, Esquire (counsel to BONY)  
Glenn C. Edwards, Esquire (counsel to JPMorgan)  
Nicholas B. Malito, Esquire

## ECF TRANSCRIPTION SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated: November 17, 2010**

**Total Number of Pages: 3**

### **TRANSCRIPTION OF MEMO ENDORSED ORDER**

Request DENIED. These are claims that require ALL's input. It is impossible to do a settlement conf. without principals present. If 11/23 does not work (one wonders why you agreed to it), come up with an alternative date that works for all parties. Otherwise, your client must be present in person on 11/23.

Copies to: All Counsel  
Judge Denise L. Cote